



General Assembly

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Sixtieth session

Third Committee

Agenda item 71 (b)

Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Algeria, Azerbaijan, Bahrain, Bangladesh, Benin, Burkina Faso, China, Congo, Cuba, Djibouti, Egypt, Eritrea, Ethiopia, Indonesia, Iran (Islamic Republic of), Iraq, Kazakhstan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Myanmar, Niger, Nigeria, Oman, Pakistan, Saudi Arabia, Senegal, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Turkmenistan, United Republic of Tanzania and Viet Nam: draft resolution

Human rights and cultural diversity

The General Assembly,

Recalling the Universal Declaration of Human Rights,¹ the International Covenant on Economic, Social and Cultural Rights² and the International Covenant on Civil and Political Rights,³ as well as other pertinent human rights instruments,

Recalling also its resolutions 54/160 of 17 December 1999, 55/91 of 4 December 2000 and 57/204 of 18 December 2002, and recalling further its resolutions 54/113 of 10 December 1999, 55/23 of 13 November 2000 and 60/4 of 20 October 2005 on the United Nations Year of Dialogue among Civilizations,

Noting that numerous instruments within the United Nations system promote cultural diversity, as well as the conservation and development of culture, in particular the Declaration of the Principles of International Culture Cooperation proclaimed on 4 November 1966 by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its fourteenth session,³

Taking note of the report of the Secretary-General,⁴

Welcoming the adoption of the Global Agenda for Dialogue among Civilizations by its resolution 56/6 of 9 November 2001,

¹ Resolution 217 A (III).

² See resolution 2200 A (XXI), annex.

³ See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Fourteenth Session, Paris, 1966, Resolutions*.

⁴ A/60/340.



Welcoming also the contribution of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, to the promotion of respect for cultural diversity,

Welcoming further the Universal Declaration on Cultural Diversity of the United Nations Educational, Scientific and Cultural Organization,⁵ together with its Action Plan,⁶ adopted on 2 November 2001 by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its thirty-first session, in which member States invited the United Nations system and other intergovernmental and non-governmental organizations concerned to cooperate with the United Nations Educational, Scientific and Cultural Organization in the promotion of the principles set forth in the Declaration and its Action Plan with a view to enhancing the synergy of actions in favour of cultural diversity,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Recognizing that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

Taking into account that a culture of peace actively fosters non-violence and respect for human rights and strengthens solidarity among peoples and nations and dialogue between cultures,

Recognizing that all cultures and civilizations share a common set of universal values,

Recognizing also that the promotion of the rights of indigenous people and their cultures and traditions will contribute to the respect for and observance of cultural diversity among all peoples and nations,

Considering that tolerance of cultural, ethnic, religious and linguistic diversities, as well as dialogue among and within civilizations, is essential for peace, understanding and friendship among individuals and people of different cultures and nations of the world, while manifestations of cultural prejudice, intolerance and xenophobia towards different cultures and religions generate hatred and violence among peoples and nations throughout the world,

Recognizing in each culture a dignity and value that deserve recognition, respect and preservation, and convinced that, in their rich variety and diversity, and in the reciprocal influences that they exert on one another, all cultures form part of the common heritage belonging to all humankind,

⁵ United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October-3 November 2001*, vol. 1: *Resolutions*, chap. V, resolution 25, annex I.

⁶ *Ibid.*, annex II.

Convinced that the promotion of cultural pluralism and tolerance towards and dialogue among various cultures and civilizations would contribute to the efforts of all peoples and nations to enrich their cultures and traditions by engaging in a mutually beneficial exchange of knowledge and intellectual, moral and material achievements,

Acknowledging the diversity of the world, recognizing that all cultures and civilizations contribute to the enrichment of mankind, acknowledging the importance of respect and the understanding for religious and cultural diversity throughout the world, and, in order to promote international peace and security, committing ourselves to advancing human welfare, freedom and progress everywhere, as well as to encouraging tolerance, respect, dialogue and cooperation among different cultures, civilizations and peoples,

1. *Affirms* the importance for all peoples and nations to hold, develop and preserve their cultural heritage and traditions in a national and international atmosphere of peace, tolerance and mutual respect;

2. *Welcomes* the adoption of the United Nations Millennium Declaration of 8 September 2000,⁷ in which Member States consider, inter alia, that tolerance is one of the fundamental values essential to international relations in the twenty-first century and that it should include the active promotion of a culture of peace and dialogue among civilizations, with human beings respecting one another in all their diversity of belief, culture and language, neither fearing nor repressing differences within and between societies but cherishing them as a precious asset of humanity;

3. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

4. *Affirms* that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that ensures respect for the cultural diversity of all;

5. *Expresses its determination* to prevent and mitigate cultural homogenization in the context of globalization, through increased intercultural exchange guided by the promotion and protection of cultural diversity;

6. *Affirms* that intercultural dialogue essentially enriches the common understanding of human rights and that the benefits to be derived from the encouragement and development of international contacts and cooperation in the cultural fields are important;

7. *Welcomes* the recognition at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of the necessity of respecting and maximizing the benefits of diversity within and among all nations in working together to build a harmonious and productive future by putting into practice and promoting values and principles such as justice, equality and non-discrimination, democracy, fairness and friendship, tolerance and respect within and among communities and nations, in particular through public information and educational programmes to raise awareness and understanding of the benefits of cultural diversity, including programmes in which the public authorities work in

⁷ See resolution 55/2.

partnership with international and non-governmental organizations and other sectors of civil society;

8. *Recognizes* that respect for cultural diversity and the cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural background, advancing the application and enjoyment of universally accepted human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;

9. *Emphasizes* that the promotion of cultural pluralism and tolerance at the national, regional and international levels is important for enhancing respect for cultural rights and cultural diversity;

10. *Also emphasizes* that tolerance and respect for diversity facilitate the universal promotion and protection of human rights, including gender equality and the enjoyment of all human rights by all, and underlines the fact that tolerance and respect for cultural diversity and the universal promotion and protection of human rights are mutually supportive;

11. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

12. *Urges* States to ensure that their political and legal systems reflect the multicultural diversity within their societies and, where necessary, to improve democratic institutions so that they are more fully participatory and avoid marginalization and exclusion of, and discrimination against, specific sectors of society;

13. *Calls upon* States, international organizations and United Nations agencies, and invites civil society, including non-governmental organizations, to recognize and promote respect for cultural diversity for the purpose of advancing the objectives of peace, development and universally accepted human rights;

14. *Requests* the Secretary-General, in the light of the present resolution, to prepare a report on human rights and cultural diversity, taking into account the views of Member States, relevant United Nations agencies and non-governmental organizations, as well as the considerations in the present resolution regarding the recognition and importance of cultural diversity among all peoples and nations in the world, and to submit the report to the General Assembly at its sixty-second session;

15. *Requests* the Office of the United Nations High Commissioner for Human Rights to give full and equal attention to the issues raised in the present resolution in the course of its activities for the promotion and protection of human rights;

16. *Decides* to continue consideration of this question at its sixty-second session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".



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Agenda item 71 (b)

**Human rights questions: human rights questions, including
alternative approaches for improving the effective enjoyment
of human rights and fundamental freedoms**

**Argentina, Australia, Austria, Belgium, Bolivia, Canada, Chile, Croatia,
Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany,
Greece, Guatemala, Hungary, Ireland, Italy, Japan, Liechtenstein,
Lithuania, Malta, Mexico, Monaco, Netherlands, Nigeria, Norway,
Poland, Portugal, Romania, Slovakia, Slovenia, South Africa, Sweden,
Switzerland and United Kingdom of Great Britain and Northern
Ireland: draft resolution**

Protection of and assistance to internally displaced persons

The General Assembly,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world, for reasons including armed conflict, violations of human rights and natural or human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

Recognizing the significant number of persons who have become internally displaced owing to natural disasters over the course of the past twelve months,

Conscious of the human rights and the humanitarian dimensions of the problem of internally displaced persons, including those who are in situations of protracted displacement, and the responsibilities of States and the international community to strengthen further their protection and assistance,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction as well as to address the root causes of the displacement problem in cooperation with the international community,

Noting the growing awareness of the international community of the issue of internally displaced persons worldwide and the urgency of addressing the root



causes of their displacement and finding durable solutions, including voluntary return in safety and with dignity, or local integration,

Recalling the relevant norms of international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,¹

Emphasizing the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons, and welcoming the continued initiatives taken in order to ensure better protection, assistance and development strategies for internally displaced persons, as well as better coordination of activities regarding them,

Commending the Representative of the Secretary-General on the human rights of internally displaced persons for the activities undertaken so far, for the catalytic role that he plays in raising the level of consciousness about the plight of internally displaced persons and his efforts to promote a comprehensive strategy that focuses on prevention as well as better protection and assistance and addressing the specific needs of internally displaced persons, including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system,

Taking note of Commission on Human Rights resolution 2005/46 of 19 April 2005² and recalling the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,³ regarding the need to develop global strategies to address the problem of internal displacement,

Deploing practices of forced displacement and their negative consequences for the enjoyment of human rights and fundamental freedoms by large groups of populations, and noting that the Rome Statute of the International Criminal Court⁴ defines the deportation or forcible transfer of population as a crime against humanity and the unlawful deportation or transfer of the civilian population, as well as ordering the displacement of the civilian population, as war crimes,

Welcoming the increasing dissemination, promotion and application of the Guiding Principles on Internal Displacement when dealing with situations of internal displacement,

Welcoming the cooperation established between the new Representative of the Secretary-General and the United Nations and other international and regional organizations, in particular his participation in the work of the Inter-Agency Standing Committee and its subsidiary bodies, as well as the memorandum of understanding with the Inter-Agency Internal Displacement Division within the Office for the Coordination of Humanitarian Affairs of the Secretariat and the Global IDP Project of the Norwegian Refugee Council,

¹ E/CN.4/1998/53/Add.2, annex.

² See *Official Records of the Economic and Social Council, 2005, Supplement No. 3 (E/2005/23 (Part I))*, chap. II, sect. A.

³ A/CONF.157/24 (Part I), chap. III.

⁴ *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: *Final Documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

Taking note of the efforts currently under way by the United Nations humanitarian system, in keeping with a collaborative approach, to strengthen its response capacity to meet the protection and assistance needs of internally displaced persons,

Acknowledging with appreciation the important and independent contribution of the International Red Cross and Red Crescent Movement and other humanitarian agencies in protecting and assisting internally displaced persons, in cooperation with relevant international bodies,

Recalling its resolution 58/177 of 22 December 2003,

1. *Welcomes* the appointment of the new Representative of the Secretary-General on the human rights of internally displaced persons;
2. *Welcomes also* the report of the Representative of the Secretary-General,⁵ and takes note of his conclusions and recommendations;
3. *Expresses its appreciation* to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons and have supported the work of the Representative of the Secretary-General;
4. *Encourages* the Representative of the Secretary-General, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the causes of internal displacement, the needs and rights of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for internally displaced persons, taking into account specific situations, and to include information thereon in his reports to the Commission on Human Rights and the General Assembly;
5. *Expresses particular concern* at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual exploitation, forced recruitment and abduction, and welcomes the commitment of the Representative of the Secretary-General to pay more systematic and in-depth attention to their particular assistance, protection and development needs, as well as to other groups with special needs, such as severely traumatized individuals, older persons and persons with disabilities, taking into account the relevant resolutions of the General Assembly and bearing in mind Security Council resolution 1325 (2000) of 31 October 2000;
6. *Notes with appreciation* the increasing role of national human rights institutions in monitoring the situation of internally displaced persons and in assisting them, and in promoting and protecting their human rights;
7. *Notes* the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes and reintegration and rehabilitation processes;
8. *Recognizes* the Guiding Principles on Internal Displacement¹ as an important international framework for the protection of internally displaced persons, welcomes the fact that an increasing number of States, United Nations agencies and

⁵ A/60/338.

regional and non-governmental organizations are applying them as a standard, and encourages all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement;

9. *Welcomes* the fact that the Representative of the Secretary-General continues to use the Guiding Principles in his dialogue with Governments and intergovernmental and non-governmental organizations and other relevant actors, and requests him to continue his efforts to further the dissemination, promotion and application of the Guiding Principles and to encourage their incorporation into national legislation and policies;

10. *Urges* all Governments to continue to facilitate the activities of the Representative of the Secretary-General, in particular Governments with situations of internal displacement, and to give serious consideration to inviting the Representative to visit their countries so as to enable him to advise Governments in addressing situations of internal displacement, and thanks those Governments that have already done so;

11. *Invites* Governments to give serious consideration, in dialogue with the Representative of the Secretary-General, to the recommendations and suggestions addressed to them, in accordance with his mandate, and to inform him of measures taken thereon;

12. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, and to facilitate the efforts of relevant United Nations agencies and humanitarian organizations in these respects, including by further improving access to internally displaced persons;

13. *Emphasizes* the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons and notes with appreciation the work of the Inter-Agency Internal Displacement Division within the Office for the Coordination of Humanitarian Affairs of the Secretariat;

14. *Also emphasizes* the need to strengthen further inter-agency arrangements and the capacities of the United Nations agencies and other relevant actors to meet the immense humanitarian challenges of internal displacement, and underlines in this regard the importance of an effective, accountable and predictable collaborative approach;

15. *Encourages* all relevant United Nations agencies and humanitarian assistance, human rights and development organizations to enhance their collaboration and coordination, through the Inter-Agency Standing Committee and in countries with situations of internal displacement, and to provide all possible assistance and support to the Representative of the Secretary-General;

16. *Notes with appreciation* the increased attention paid to the issue of internally displaced persons in the consolidated inter-agency appeals process, and encourages further efforts in this regard;

17. *Also notes with appreciation* the establishment of the global database on internally displaced persons at the request of the Inter-Agency Standing Committee and the support it provides to the Emergency Relief Coordinator and the Representative of the Secretary-General on the human rights of internally displaced

persons in carrying out their respective mandates, as well as to Governments and to the members of the Standing Committee, and encourages the members of the Standing Committee and Governments to continue to collaborate and support this effort, including by providing relevant data on situations of internal displacement and financial resources;

18. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the Organization of American States, the Organization for Security and Cooperation in Europe, the Intergovernmental Authority on Development, the Council of Europe, the Commonwealth and the Economic Community of West African States, to address the protection, assistance and development needs of internally displaced persons, and encourages them and other regional organizations to strengthen their activities and their cooperation with the Representative of the Secretary-General;

19. *Requests* the Secretary-General to provide his Representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the Representative to continue to seek the contributions of States, relevant organizations and institutions in order to create a more stable basis for his work;

20. *Requests* the Representative of the Secretary-General to prepare, for consideration by the General Assembly at its sixty-second session, a report on the implementation of the present resolution;

21. *Decides* to continue its consideration of the question of protection of and assistance to internally displaced persons at its sixty-second session.



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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Angola, Argentina, Australia, Austria, Belgium, Bolivia, Canada, Central African Republic, Chile, Colombia, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Netherlands, Nigeria, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, South Africa, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey and United Kingdom of Great Britain and Northern Ireland: revised draft resolution

Protection of and assistance to internally displaced persons

The General Assembly,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world, for reasons including armed conflict, violations of human rights and natural or human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

Recognizing the significant number of persons who have become internally displaced owing to natural disasters over the course of the past twelve months,

Conscious of the human rights and the humanitarian dimensions of the problem of internally displaced persons, including those who are in situations of protracted displacement, and the responsibilities of States and the international community to strengthen further their protection and assistance,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction as well as to address the root causes of the displacement problem in appropriate cooperation with the international community,



Noting the growing awareness of the international community of the issue of internally displaced persons worldwide and the urgency of addressing the root causes of their displacement and finding durable solutions, including voluntary return in safety and with dignity, or local integration,

Recalling the relevant norms of international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,¹

Emphasizing the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons, and welcoming the continued initiatives taken in order to ensure better protection, assistance and development strategies for internally displaced persons, as well as better coordination of activities regarding them,

Commending the Representative of the Secretary-General on the human rights of internally displaced persons for the activities undertaken so far, for the catalytic role that he plays in raising the level of consciousness about the plight of internally displaced persons and his efforts to promote a comprehensive strategy that focuses on prevention as well as better protection and assistance and addressing the development and other specific needs of internally displaced persons, including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system,

Taking note of Commission on Human Rights resolution 2005/46 of 19 April 2005² and recalling the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,³ regarding the need to develop global strategies to address the problem of internal displacement,

Deploring practices of forced displacement and their negative consequences for the enjoyment of human rights and fundamental freedoms by large groups of populations, and noting that the Rome Statute of the International Criminal Court⁴ defines the deportation or forcible transfer of population as a crime against humanity and the unlawful deportation or transfer of the civilian population, as well as ordering the displacement of the civilian population, as war crimes,

Welcoming the increasing dissemination, promotion and application of the Guiding Principles on Internal Displacement when dealing with situations of internal displacement,

Also welcoming the cooperation established between the new Representative of the Secretary-General and the United Nations and other international and regional organizations, and encouraging further strengthening of his collaboration in order to promote better protection, assistance and development strategies for internally displaced persons,

¹ E/CN.4/1998/53/Add.2, annex.

² See *Official Records of the Economic and Social Council, 2005, Supplement No. 3 (E/2005/23) (Part I)*, chap. II, sect. A.

³ A/CONF.157/24 (Part I), chap. III.

⁴ *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998, vol. I: Final Documents* (United Nations publication, Sales No. E.02.1.5), sect. A.

Acknowledging with appreciation the important and independent contribution of the International Red Cross and Red Crescent Movement and other humanitarian agencies in protecting and assisting internally displaced persons, in cooperation with relevant international bodies,

Recalling its resolution 58/177 of 22 December 2003,

1. *Welcomes the appointment of the new Representative of the Secretary-General on the human rights of internally displaced persons;*
2. *Welcomes also the report of the Representative of the Secretary-General,⁵ and takes note of his conclusions and recommendations;*
3. *Expresses its appreciation to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons and have supported the work of the Representative of the Secretary-General;*
4. *Encourages the Representative of the Secretary-General, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the causes of internal displacement, the needs and rights of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for internally displaced persons, taking into account specific situations, and to include information thereon in his reports to the Commission on Human Rights and the General Assembly;*
5. *Expresses particular concern at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual exploitation, forced recruitment and abduction, and welcomes the commitment of the Representative of the Secretary-General to pay more systematic and in-depth attention to their particular assistance, protection and development needs, as well as to other groups with special needs, such as severely traumatized individuals, older persons and persons with disabilities, taking into account the relevant resolutions of the General Assembly and bearing in mind Security Council resolution 1325 (2000) of 31 October 2000;*
6. *Notes with appreciation the increasing role of national human rights institutions in assisting internally displaced persons, and in promoting and protecting their human rights;*
7. *Notes the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes and reintegration and rehabilitation processes;*
8. *Recognizes the Guiding Principles on Internal Displacement¹ as an important international framework for the protection of internally displaced persons, welcomes the fact that an increasing number of States, United Nations agencies and regional and non-governmental organizations are applying them as a standard, and encourages all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement;*

⁵ A/60/338.

9. *Welcomes* the fact that the Representative of the Secretary-General continues to use the Guiding Principles in his dialogue with Governments and intergovernmental and non-governmental organizations and other relevant actors, and requests him to continue his efforts to further the dissemination, promotion and application of the Guiding Principles and to provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as the development of domestic legislation and policies;

10. *Urges* all Governments to continue to facilitate the activities of the Representative of the Secretary-General, in particular Governments with situations of internal displacement, and to give serious consideration to inviting the Representative to visit their countries so as to enable him to continue and enhance dialogue with Governments in addressing situations of internal displacement, and thanks those Governments that have already done so;

11. *Invites* Governments to give serious consideration, in dialogue with the Representative of the Secretary-General, to the recommendations and suggestions addressed to them, in accordance with his mandate, and to inform him of measures taken thereon;

12. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, and to facilitate the efforts of relevant United Nations agencies and humanitarian organizations in these respects, including by further improving access to internally displaced persons;

13. *Emphasizes* the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons and notes with appreciation the work of the Inter-Agency Internal Displacement Division within the Office for the Coordination of Humanitarian Affairs of the Secretariat;

14. *Takes note* of the efforts currently under way by the United Nations humanitarian system, and emphasizes the need to strengthen further inter-agency arrangements and the capacities of the United Nations agencies and other relevant actors to meet the immense humanitarian challenges of internal displacement, and underlines in this regard the importance of an effective, accountable and predictable collaborative approach;

15. *Encourages* all relevant United Nations agencies and humanitarian assistance, human rights and development organizations to enhance their collaboration and coordination, through the Inter-Agency Standing Committee and in countries with situations of internal displacement, and to provide all possible assistance and support to the Representative of the Secretary-General;

16. *Notes with appreciation* the increased attention paid to the issue of internally displaced persons in the consolidated inter-agency appeals process, and encourages further efforts in this regard;

17. *Also notes with appreciation* the establishment of the global database on internally displaced persons at the request of the Inter-Agency Standing Committee and the support it provides to the Emergency Relief Coordinator and the Representative of the Secretary-General on the human rights of internally displaced persons in carrying out their respective mandates, as well as to Governments and to

the members of the Standing Committee, and encourages the members of the Standing Committee and Governments to continue to collaborate and support this effort, including by providing relevant data on situations of internal displacement and financial resources;

18. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the Organization of American States, the Organization for Security and Cooperation in Europe, the Intergovernmental Authority on Development, the Council of Europe, the Commonwealth and the Economic Community of West African States, to address the protection, assistance and development needs of internally displaced persons, and encourages them and other regional organizations to strengthen their activities and their cooperation with the Representative of the Secretary-General;

19. *Requests* the Secretary-General to provide his Representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the Representative to continue to seek the contributions of States, relevant organizations and institutions in order to create a more stable basis for his work;

20. *Requests* the Representative of the Secretary-General to prepare, for consideration by the General Assembly at its sixty-second session, a report on the implementation of the present resolution;

21. *Decides* to continue its consideration of the question of protection of and assistance to internally displaced persons at its sixty-second session.



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Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Canada, Central African Republic, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Dominican Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Mexico, Micronesia (Federated States of), Monaco, Mozambique, Netherlands, Nigeria, Norway, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Thailand, Turkey, Ukraine and United Kingdom of Great Britain and Northern Ireland: revised draft resolution

Protection of and assistance to internally displaced persons

The General Assembly,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world, for reasons including armed conflict, violations of human rights and natural or human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

Recognizing the significant number of persons who have become internally displaced owing to natural disasters over the course of the past twelve months,

Conscious of the human rights and the humanitarian dimensions of the problem of internally displaced persons and the responsibilities of States and the international community to strengthen further their protection and assistance.

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction as well as to



address the root causes of the displacement problem in appropriate cooperation with the international community.

Noting the growing awareness of the international community of the issue of internally displaced persons worldwide and the urgency of addressing the root causes of their displacement and finding durable solutions, inter alia, for long-term displacement situations, including voluntary return in safety and with dignity, or local integration,

Recalling the relevant norms of international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,¹

Emphasizing the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons, and welcoming the continued initiatives taken in order to ensure better protection, assistance and development strategies for internally displaced persons, as well as better coordination of activities regarding them.

Commending the Representative of the Secretary-General on the human rights of internally displaced persons for the activities undertaken so far, for the catalytic role that he plays in raising the level of consciousness about the plight of internally displaced persons and his efforts to promote a comprehensive strategy that focuses on prevention as well as better protection and assistance and addressing the development and other specific needs of internally displaced persons, including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system,

Taking note of Commission on Human Rights resolution 2005/46 of 19 April 2005² and recalling the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,³ regarding the need to develop global strategies to address the problem of internal displacement,

Deploing practices of forced displacement and their negative consequences for the enjoyment of human rights and fundamental freedoms by large groups of populations, and noting that the Rome Statute of the International Criminal Court⁴ defines the deportation or forcible transfer of population as a crime against humanity and the unlawful deportation or transfer of the civilian population, as well as ordering the displacement of the civilian population, as war crimes,

Welcoming the increasing dissemination, promotion and application of the Guiding Principles on Internal Displacement when dealing with situations of internal displacement,

¹ E/CN.4/1998/53/Add.2, annex.

² See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23) (Part I), chap. II, sect. A.

³ A/CONF.157/24 (Part I), chap. III.

⁴ *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998, vol. I: Final Documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

Also welcoming the cooperation established between the new Representative of the Secretary-General and the United Nations and other international and regional organizations, and encouraging further strengthening of his collaboration in order to promote better protection, assistance and development strategies for internally displaced persons,

Acknowledging with appreciation the important and independent contribution of the International Red Cross and Red Crescent Movement and other humanitarian agencies in protecting and assisting internally displaced persons, in cooperation with relevant international bodies,

Recalling its resolution 58/177 of 22 December 2003,

1. *Welcomes* the appointment of the new Representative of the Secretary-General on the human rights of internally displaced persons;

2. *Welcomes also* the report of the Representative of the Secretary-General,⁵ and takes note of his conclusions and recommendations;

3. *Expresses* its appreciation to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons and have supported the work of the Representative of the Secretary-General;

4. *Encourages* the Representative of the Secretary-General, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the causes of internal displacement, the needs and rights of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for internally displaced persons, taking into account specific situations, and to include information thereon in his reports to the Commission on Human Rights and the General Assembly;

5. *Expresses particular concern* at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual exploitation, forced recruitment and abduction, and welcomes the commitment of the Representative of the Secretary-General to pay more systematic and in-depth attention to their particular assistance, protection and development needs, as well as to other groups with special needs, such as severely traumatized individuals, older persons and persons with disabilities, taking into account the relevant resolutions of the General Assembly and bearing in mind Security Council resolution 1325 (2000) of 31 October 2000;

6. *Notes with appreciation* the increasing role of national human rights institutions in assisting internally displaced persons, and in promoting and protecting their human rights;

7. *Notes* the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes and reintegration and rehabilitation processes;

8. *Recognizes* the Guiding Principles on Internal Displacement¹ as an important international framework for the protection of internally displaced persons,

⁵ A/60/338.

welcomes the fact that an increasing number of States, United Nations agencies and regional and non-governmental organizations are applying them as a standard, and encourages all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement;

9. *Welcomes* the fact that the Representative of the Secretary-General continues to use the Guiding Principles in his dialogue with Governments and intergovernmental and non-governmental organizations and other relevant actors, and requests him to continue his efforts to further the dissemination, promotion and application of the Guiding Principles and to provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as the development of domestic legislation and policies;

10. *Urges* all Governments to continue to facilitate the activities of the Representative of the Secretary-General, in particular Governments with situations of internal displacement, and to give serious consideration to inviting the Representative to visit their countries so as to enable him to continue and enhance dialogue with Governments in addressing situations of internal displacement, and thanks those Governments that have already done so;

11. *Invites* Governments to give serious consideration, in dialogue with the Representative of the Secretary-General, to the recommendations and suggestions addressed to them, in accordance with his mandate, and to inform him of measures taken thereon;

12. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, and to facilitate the efforts of relevant United Nations agencies and humanitarian organizations in these respects, including by further improving access to internally displaced persons;

13. *Emphasizes* the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons and notes with appreciation the work of the Inter-Agency Internal Displacement Division within the Office for the Coordination of Humanitarian Affairs of the Secretariat;

14. *Takes note* of the efforts currently under way by the United Nations humanitarian system, and emphasizes the need to strengthen further inter-agency arrangements and the capacities of the United Nations agencies and other relevant actors to meet the immense humanitarian challenges of internal displacement, and underlines in this regard the importance of an effective, accountable and predictable collaborative approach;

15. *Encourages* all relevant United Nations agencies and humanitarian assistance, human rights and development organizations to enhance their collaboration and coordination, through the Inter-Agency Standing Committee and in countries with situations of internal displacement, and to provide all possible assistance and support to the Representative of the Secretary-General;

16. *Notes with appreciation* the increased attention paid to the issue of internally displaced persons in the consolidated inter-agency appeals process, and encourages further efforts in this regard;

17. *Recognizes* the relevance of the global database on internally displaced persons advocated by the Representative of the Secretary-General, and encourages the members of the Inter-Agency Standing Committee and Governments to continue to collaborate on and support this effort, including by providing relevant data on situations of internal displacement and financial resources;

18. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the Organization of American States, the Organization for Security and Cooperation in Europe, the Intergovernmental Authority on Development, the Council of Europe, the Commonwealth and the Economic Community of West African States, to address the protection, assistance and development needs of internally displaced persons, and encourages them and other regional organizations to strengthen their activities and their cooperation with the Representative of the Secretary-General;

19. *Requests* the Secretary-General to provide his Representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the Representative to continue to seek the contributions of States, relevant organizations and institutions in order to create a more stable basis for his work;

20. *Requests* the Representative of the Secretary-General to prepare, for consideration by the General Assembly at its sixty-second session, a report on the implementation of the present resolution;

21. *Decides* to continue its consideration of the question of protection of and assistance to internally displaced persons at its sixty-second session.



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Third Committee

Agenda item 71 (b)

**Human rights questions: human rights questions, including
alternative approaches for improving the effective enjoyment
of human rights and fundamental freedoms**

**Brazil, Chile, Colombia, Ecuador, El Salvador, Gambia, Guatemala,
Mali, Mexico, Peru, Philippines and Sri Lanka: draft resolution**

Protection of migrants

The General Assembly,

Reaffirming the Universal Declaration of Human Rights,¹ which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Recalling its resolution 59/194 of 20 December 2004, taking note of Commission on Human Rights resolution 2005/47 of 19 April 2005,² and recalling its resolution 40/144 of 13 December 1985, by which it adopted the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live,

Considering that every State party to the International Covenant on Civil and Political Rights³ must ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant, and that every State party to the International Covenant on Economic, Social and Cultural Rights³ has undertaken to guarantee the exercise of all rights enunciated in that Covenant without discrimination of any kind, including, in particular, on the basis of national origin,

Reaffirming the provisions concerning migrants adopted by the World Conference on Human Rights,⁴ the International Conference on Population and Development,⁵ the World Summit for Social Development,⁶ the Fourth World

¹ Resolution 217 A (III).

² See *Official Records of the Economic and Social Council, 2005, Supplement No. 3 (E/2005/23)*, chap II, sect. A.

³ See resolution 2200 A (XXI), annex.

⁴ See A/CONF.157/24 (Part I), chap. III.

⁵ See *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

⁶ See *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.



Conference on Women⁷ and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and expressing its satisfaction at the important recommendations made for the development of international and national strategies for the protection of migrants and for the design of migration policies that fully respect the human rights of migrants.

Recalling the renewed commitment made in the United Nations Millennium Declaration⁸ and at the 2005 World Summit⁹ to take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in all societies and to promote greater harmony and tolerance,

Recalling also advisory opinions OC 16/99 of 1 October 1999 and OC 18/03 of 17 September 2003, issued by the Inter-American Court of Human Rights, on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and on the Juridical Condition and Rights of the Undocumented Migrants, respectively,

Taking note of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*,¹⁰ and recalling the obligations of States reaffirmed therein,

Encouraged by the increasing interest of the international community in the effective and full protection of the human rights of all migrants, and underlining the need to make further efforts to ensure respect for the human rights and fundamental freedoms of all migrants,

Aware of the increasing number of migrants worldwide, and bearing in mind the situation of vulnerability in which migrants and their families frequently find themselves, owing, inter alia, to their absence from their States of origin and to the difficulties they encounter because of discrimination, differences of language, custom and culture, as well as the economic and social difficulties and obstacles to the return to their States of origin, of migrants, especially those who are non-documented or in an irregular migratory situation,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and the need to protect human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as the full respect of human rights and fundamental freedoms of migrants,

Concerned at the large and growing number of migrants, especially women and children, who attempt to cross international borders without the required travel

⁷ See *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

⁸ See resolution 55/2.

⁹ See resolution 60/1.

¹⁰ See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 4 (A/59/4)*, chap. V, sect. A.23.

documents, which places these migrants in a particularly vulnerable situation, and recognizing the obligation of States to respect the human rights of these migrants,

Deeply concerned at the manifestations of violence, racism, racial discrimination, xenophobia and other forms of intolerance and inhuman and degrading treatment against migrants, especially women and children, in different parts of the world,

Concerned that the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has indicated the appearance of new forms of discrimination targeting migrants, among other groups,

Noting with interest the joint statement by United Nations Special Rapporteurs, Special Representatives, Independent Experts and Chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme at their eleventh annual meeting,¹¹ in which they expressed their strong concern regarding the continued deterioration in the situation and the denial of the human rights of migrants, in particular current attempts to institutionalize discrimination against and exclusion of migrants,

Highlighting the importance of creating conditions that favour greater harmony, tolerance and respect between migrants and the rest of society in the countries in which they find themselves in order to eliminate manifestations of racism and xenophobia against migrants and members of their families,

Recognizing the positive and diverse contributions that migrants make to host and origin societies and the efforts that some host countries undertake to integrate migrants and their families,

Recognizing also the increasing participation of women in international migration movements,

Welcoming the work of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Noting with appreciation the work done by the International Labour Organization in the field of the rights of migrant workers,

Resolved to ensure respect for the human rights and fundamental freedoms of all migrants,

1. *Strongly condemns* the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, and urges States effectively to apply the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts, and calls upon States to implement fully the commitments and recommendations relating to the promotion and protection of human rights of migrants contained in the Durban Declaration and Programme of Action¹² through, inter alia, the adoption of national plans of action, as recommended by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

¹¹ E/CN.4/2005/5, annex I, sect. C.

¹² See A/CONF.189/12 and Corr.1, chap. I.

2. *Also strongly condemns* all forms of racial discrimination and xenophobia related to access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public.

3. *Welcomes* the active role played by governmental and non-governmental organizations in combating racism and xenophobia and in assisting victims of racist acts, including migrant victims.

4. *Calls upon* all States to consider reviewing and, where necessary, revising immigration policies with a view to eliminating all discriminatory practices against migrants and their families and adopting effective action to create conditions that foster greater harmony and tolerance within societies, and to provide specialized training for government policymaking, law enforcement, migration and other concerned officials, including in cooperation with non-governmental organizations and civil society.

5. *Requests* States effectively to promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights¹³ and the international instruments to which they are party, which may include the International Covenants on Human Rights,¹⁴ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,¹⁵ the Convention on the Elimination of All Forms of Discrimination against Women,¹⁶ the Convention on the Rights of the Child¹⁷ and the International Convention on the Elimination of All Forms of Racial Discrimination,¹⁸ the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families¹⁹ and other relevant human rights instruments, norms and standards.

6. *Requests* all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give the necessary relevance to international, regional and bilateral cooperation in this field, with a view to addressing, in a comprehensive manner, its causes and consequences and granting priority to the protection of human rights of migrants.

7. *Welcomes* the increasing number of signatures and ratifications or accessions to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and calls upon States that have not done so to consider urgently signing and ratifying or acceding to the Convention.

8. *Encourages* States parties to implement fully the United Nations Convention against Transnational Organized Crime and the two additional protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention

¹³ United Nations, *Treaty Series*, vol. 1465, No. 24541.

¹⁴ *Ibid.*, vol. 1249, No. 20378.

¹⁵ *Ibid.*, vol. 1577, No. 27531.

¹⁶ *Resolution 2106 A (XX)*, annex.

¹⁷ *Resolution 45/158*, annex.

against Transnational Organized Crime,¹⁸ and urges States that have not done so to consider ratifying them.

9. *Reaffirms emphatically* the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations of 1963,¹⁹ in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in the case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform without delay the foreign national of his or her rights under the Convention.

10. *Expresses concern* about the legislation and the measures adopted by some States that restrict the human rights and fundamental freedoms of migrants.

11. *Welcomes* immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious and tolerant environment, and encourages States to consider the possibility of adopting these types of programmes.

12. *Calls upon* States to facilitate family reunification in an expeditious and effective manner, with due regard to applicable laws, as such reunification has a positive effect on the integration of migrants.

13. *Encourages* all States to integrate a gender perspective in developing international migration policies and programmes in order to adopt the necessary measures to better protect women and girls against dangers and abuse during migration and to foster their opportunities to contribute to their societies of origin and destination.

14. *Calls upon* States to protect and promote all human rights of migrant children, given their vulnerability, in particular unaccompanied migrant children, ensuring that the best interests of the children are a primary consideration, underlines the importance of reuniting them with their parents, when possible, and encourages the relevant United Nations bodies, within the framework of their respective mandates, to pay special attention to the conditions of migrant children in all States and, where necessary, to put forward recommendations for strengthening their protection, especially against sexual abuse, sexual exploitation, threat or use of force or other forms of coercion, including coercion into begging and drug dealing, in particular by national or transnational organized crime groups.

15. *Encourages* States of origin to promote and protect the human rights of those families of migrant workers that remain in the countries of origin, paying particular attention to children and adolescents whose parents have emigrated, and encourages international organizations to consider supporting States in this regard.

16. *Requests* all States, in conformity with national legislation and applicable international legal instruments to which they are party, firmly to prosecute violations of labour law with regard to the conditions of work of migrant workers, including those related to, inter alia, their remuneration and the conditions of health, safety at work and the right to freedom of association.

17. *Encourages* all States to remove obstacles that may prevent the safe, unrestricted and expeditious transfer of earnings, assets and pensions of migrants to

¹⁸ Resolution 55/25, annexes I-III.

¹⁹ United Nations, *Treaty Series*, vol. 596, No. 8638.

their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

18. *Calls upon States to observe national legislation and applicable international legal instruments to which they are party when enacting national security measures in order to respect the human rights of migrants;*

19. *Urges all States to adopt effective measures to put an end to the arbitrary arrest and detention of migrants and to take actions to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;*

20. *Also urges all States to promote and adopt effective measures to enforce their immigration laws and border controls only by means of duly authorized and trained government officials and to prevent private persons or groups from carrying out conduct reserved for such government officials, as well as to prosecute and punish those violations of the law that may result from such conduct;*

21. *Requests States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants and their families respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants and their families, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;*

22. *Encourages States that have not yet done so to enact domestic legislation and to take further effective measures to combat and prosecute international trafficking in and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude or exploitation, which may include debt bondage, slavery and sexual exploitation or forced labour, and also encourages States to strengthen international cooperation to combat such trafficking and smuggling;*

23. *Also encourages States, in cooperation with non-governmental organizations, to undertake information campaigns aimed at clarifying opportunities, limitations and rights in the event of migration, so as to enable everyone, in particular women, to make informed decisions and to prevent them from becoming victims of trafficking and utilizing dangerous means of access that put their lives and physical integrity at risk;*

24. *Encourages States to consider participating in international and regional dialogues on migration that include countries of origin and destination, as well as countries of transit, and invites them to consider negotiating bilateral and regional agreements on migrant workers within the framework of applicable human rights law and designing and implementing programmes with States of other regions to protect the rights of migrants;*

25. *Requests Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and her Office, as well as the Special Rapporteur of the Commission on Human Rights on the human rights of migrants, to ensure that the perspective of human rights of migrants is included as a*

priority issue in the ongoing analysis on migration and development within the United Nations system, including, in particular, at the high-level dialogue that will be held during the sixty-first session of the General Assembly, pursuant to resolution 58/208 of 23 December 2003;

26. *Calls upon* States, the United Nations system and intergovernmental and non-governmental organizations to observe, on 18 December of each year, International Migrants Day, proclaimed by the General Assembly,²⁰ through, inter alia, the dissemination of information on the human rights and fundamental freedoms of migrants and on their economic, social and cultural contributions to their host and home countries, the sharing of experience and the adoption of measures to ensure their protection, and to promote greater harmony between migrants and the societies in which they live;

27. *Welcomes* the renewal of the mandate of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants for a period of three years and the appointment of the new Special Rapporteur, as well as the interim report submitted by him to the General Assembly,²¹ including the proposed methods of work for the fulfilment of his mandate;

28. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested and to respond appropriately and expeditiously to his urgent appeals and to give serious consideration to his requests to visit their countries, and welcomes in this regard the standing invitations extended by some Member States to all special procedures, including the Special Rapporteur;

29. *Requests* all relevant mechanisms to cooperate with the Special Rapporteur;

30. *Requests* the Secretary-General to give the Special Rapporteur all the human and financial assistance necessary for the fulfilment of his mandate;

31. *Takes note with appreciation* of the report of the Secretary-General,²² and calls upon Member States and all relevant stakeholders to consider the implementation of the recommendations contained therein;

32. *Decides* to examine the question further at its sixty-first session under the sub-item.

²⁰ See resolution 55/93.

²¹ See A/60/357.

²² A/60/272.



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Agenda item 71 (b)

**Human rights questions: human rights questions, including
alternative approaches for improving the effective enjoyment
of human rights and fundamental freedoms**

Argentina, Azerbaijan, Bolivia, Brazil, Burkina Faso, Chile, Colombia, Cuba,
Ecuador, El Salvador, Egypt, Ethiopia, Fiji, Gambia, Ghana, Guatemala, Haiti,
Honduras, Indonesia, Kenya, Kyrgyzstan, Mali, Mexico, Nicaragua, Nigeria,
Paraguay, Peru, Philippines, Senegal, Sri Lanka, Tajikistan and Uruguay:
revised draft resolution

Protection of migrants

The General Assembly,

Reaffirming the Universal Declaration of Human Rights,¹ which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Recalling its resolution 59/194 of 20 December 2004, taking note of Commission on Human Rights resolution 2005/47 of 19 April 2005,² and recalling its resolution 40/144 of 13 December 1985, by which it adopted the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live,

Considering that every State party to the International Covenant on Civil and Political Rights³ must ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant, and that every State party to the International Covenant on Economic, Social and Cultural Rights³ has undertaken to guarantee the exercise of all rights enunciated in that Covenant without discrimination of any kind, including, in particular, on the basis of national origin,

¹ Resolution 217 A (III).

² See *Official Records of the Economic and Social Council, 2005, Supplement No. 3 (E/2005/23)*, chap. II, sect. A.

³ See resolution 2200 A (XXI), annex.



Reaffirming the provisions concerning migrants adopted by the World Conference on Human Rights,⁴ the International Conference on Population and Development,⁵ the World Summit for Social Development⁶ and the Fourth World Conference on Women,⁷

Reaffirming also the provisions on the human rights of migrants contained in the Durban Declaration and Programme of Action, adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,⁸ and expressing its satisfaction at the important recommendations made for the development of international and national strategies for the protection of migrants and for the design of migration policies that fully respect the human rights of migrants,

Recalling the renewed commitment made in the United Nations Millennium Declaration⁹ and at the 2005 World Summit¹⁰ to take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony, tolerance and respect in all societies,

Taking note of advisory opinions OC 16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law, and OC 18/03 of 17 September 2003 on the Juridical Condition and Rights of the Undocumented Migrants, issued by the Inter-American Court of Human Rights,

Taking note also of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*,¹¹ and recalling the obligations of States reaffirmed therein,

Encouraged by the increasing interest of the international community in the effective and full protection of the human rights of all migrants, and underlining the need to make further efforts to ensure respect for the human rights and fundamental freedoms of all migrants,

Aware of the increasing number of migrants worldwide, and bearing in mind the situation of vulnerability in which migrants and their accompanying families can find themselves when outside their States of origin owing, inter alia, to the difficulties they encounter because of discrimination in society, differences of language, custom and culture, as well as the economic and social difficulties and obstacles to the return of migrants to their States of origin, especially those who are undocumented or in an irregular migratory situation,

⁴ See A/CONF.157/24 (Part I), chap. III.

⁵ See *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

⁶ See *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

⁷ See *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

⁸ See A/CONF.189/12 and Corr.1, chap. I.

⁹ See resolution 55/2.

¹⁰ See resolution 60/1.

¹¹ See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 4 (A/59/4)*, chap. V, sect. A.23.

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as the full respect of human rights and fundamental freedoms of migrants,

Concerned at the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and underlining the obligation of States to respect the human rights of these migrants,

Deeply concerned at the manifestations of violence, racism, racial discrimination, xenophobia and other forms of intolerance and inhuman and degrading treatment against migrants, especially women and children, in different parts of the world,

Concerned that the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has indicated the appearance of new forms of discrimination targeting migrants, among other groups,

Noting the strong concern expressed by the United Nations Special Rapporteurs, Special Representatives, Independent Experts and Chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme, regarding the continued deterioration in the situation and the denial of the human rights of migrants, in particular current attempts to institutionalize discrimination against and exclusion of migrants, in the joint statement made at their eleventh annual meeting,¹²

Highlighting the importance of creating conditions that favour greater harmony, tolerance and respect between migrants and the rest of society in countries of transit or destination in order to eliminate manifestations of racism and xenophobia against migrants, including members of their families,

Recognizing the positive and diverse contributions that migrants make to host and origin societies and the efforts that some host and origin countries undertake to integrate and reintegrate migrants,

Recognizing also the increasing participation of women in international migration movements,

Acknowledging the work of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Acknowledging also the work done by the International Labour Organization and the International Organization for Migration in addressing migration issues,

¹² E/CN.4/2005/5, annex I, sect. C.

Resolved to ensure respect for the human rights and fundamental freedoms of all migrants,

1. *Strongly condemns* the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, and urges States to apply the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts, and calls upon States to implement fully the commitments and recommendations relating to the promotion and protection of human rights of migrants contained in the Durban Declaration and Programme of Action¹³ through, inter alia, the adoption of national plans of action, as recommended by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

2. *Also strongly condemns* all forms of racial discrimination and xenophobia related to access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public;

3. *Welcomes* the active role played by governmental and non-governmental organizations in combating racism and xenophobia and in assisting victims of racist acts, including migrant victims;

4. *Calls upon* all States to consider reviewing and, where necessary, revising immigration policies with a view to eliminating all discriminatory practices against migrants and their families and adopting effective action to create conditions that foster greater harmony, tolerance and respect within societies, and to provide specialized training for government policymaking, law enforcement, migration and other concerned officials, including in cooperation with non-governmental organizations and civil society;

5. *Requests* States effectively to promote and protect the human rights and fundamental freedoms of all migrants, regardless of their immigration status, especially those of women and children, in conformity with the Universal Declaration of Human Rights¹⁴ and the international instruments to which they are party, which may include the International Covenants on Human Rights,¹⁵ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,¹³ the Convention on the Elimination of All Forms of Discrimination against Women,¹⁴ the Convention on the Rights of the Child¹⁵ and the International Convention on the Elimination of All Forms of Racial Discrimination,¹⁶ the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families¹⁷ and other relevant human rights instruments;

6. *Requests* all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, with a view to

¹³ United Nations, *Treaty Series*, vol. 1465, No. 24841.

¹⁴ *Ibid.*, vol. 1249, No. 20378.

¹⁵ *Ibid.*, vol. 1577, No. 27531.

¹⁶ Resolution 2106 A (XX), annex.

¹⁷ Resolution 45/158, annex.

addressing, in a comprehensive manner, its causes and consequences and granting priority to the protection of human rights of migrants;

7. *Welcomes* the increasing number of signatures and ratifications or accessions to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and calls upon States that have not done so to consider signing and ratifying or acceding to the Convention as a matter of priority;

8. *Urges* States parties to the United Nations Convention against Transnational Organized Crime and the two supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,¹⁸ to implement them fully, and calls upon States that have not done so to consider ratifying them as a matter of priority;

9. *Reaffirms emphatically* the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations of 1963,¹⁹ in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in the case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform without delay the foreign national of his or her rights under the Convention;

10. *Expresses concern* about the legislation and the measures adopted by some States that restrict the human rights and fundamental freedoms of migrants;

11. *Welcomes* immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

12. *Calls upon* States to facilitate family reunification in an expeditious and effective manner, with due regard to applicable laws, as such reunification has a positive effect on the integration of migrants;

13. *Encourages* all States to integrate a gender and age perspective in developing and implementing international migration policies and programmes in order to adopt the necessary measures to better protect women and children against possible dangers and abuse associated with migration and to foster opportunities for their contribution to their societies of origin and destination;

14. *Calls upon* States to protect and promote all human rights of migrant children, given their vulnerability, in particular unaccompanied migrant children, ensuring that the best interests of the children are a primary consideration, underlines the importance of reuniting them with their parents, when possible, and encourages the relevant United Nations bodies, within the framework of their respective mandates, to pay special attention to the conditions of migrant children in all States and, where necessary, to put forward recommendations for strengthening

¹⁸ Resolution 55/25, annexes I-III.

¹⁹ United Nations, *Treaty Series*, vol. 596, No. 8638.

their protection, especially against sexual abuse, sexual exploitation, trafficking, the threat or use of force or other forms of coercion, including coercion into begging and drug dealing, in particular by national or transnational organized crime groups;

15. *Encourages* States of origin to promote and protect the human rights of those families of migrant workers that remain in the countries of origin, paying particular attention to children and adolescents whose parents have emigrated, and encourages international organizations to consider supporting States in this regard;

16. *Requests* all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and the conditions of health, safety at work and the right to freedom of association;

17. *Encourages* all States to remove obstacles that may prevent the safe, unrestricted and expeditious transfer of earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

18. *Calls upon* States to observe national legislation and applicable international legal instruments to which they are party when enacting national security measures in order to respect the human rights of migrants;

19. *Urges* all States to adopt effective measures to put an end to the arbitrary arrest and detention of migrants and to take actions to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

20. *Also urges* all States to promote and adopt effective measures to enforce their immigration laws and border controls only by means of duly authorized and trained government officials and to prevent private persons or groups from carrying out conduct reserved for such government officials, as well as to prosecute and punish those violations of the law that may result from such conduct;

21. *Requests* States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

22. *Calls upon* States that have not yet done so to enact domestic legislation and to take further effective measures to combat and prosecute international trafficking in and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude or exploitation, which may include debt bondage, slavery and sexual exploitation or forced labour, and urges States to strengthen international cooperation to combat such trafficking and smuggling and to protect the victims of trafficking;

23. *Encourages* States, in cooperation with non-governmental organizations, to undertake information campaigns aimed at clarifying opportunities, limitations and rights in the event of migration, so as to enable everyone, in particular women, to make informed decisions and to prevent them from becoming victims of trafficking and utilizing dangerous means of access to countries of transit and destination that put their lives and physical integrity at risk;

24. *Also encourages* States to consider participating in international and regional dialogues on migration that include countries of origin and destination, as well as countries of transit, and invites them to consider negotiating bilateral and regional agreements on migrant workers within the framework of applicable human rights law and designing and implementing programmes with States of other regions to protect the rights of migrants;

25. *Requests* Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and her Office, as well as the Special Rapporteur of the Commission on Human Rights on the human rights of migrants, to ensure that the perspective of human rights of migrants is included among the priority issues in the ongoing discussions on migration and development within the United Nations system, including, in particular, at the high-level dialogue on international migration and development that will be held in 2006, pursuant to resolution 58/208 of 23 December 2003;

26. *Invites* States, the United Nations system and intergovernmental and non-governmental organizations to observe, on 18 December of each year, International Migrants Day, proclaimed by the General Assembly,²⁰ through, inter alia, the dissemination of information on the human rights and fundamental freedoms of migrants and on their economic, social and cultural contributions to their host and home countries, the sharing of experience and the adoption of measures to ensure their protection, and to promote greater harmony, tolerance and respect between migrants and the societies in which they live;

27. *Welcomes* the renewal of the mandate of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants for a period of three years and the appointment of the new Special Rapporteur, and notes with interest the interim report submitted by him to the General Assembly,²¹ including the proposed methods of work for the fulfilment of his mandate;

28. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested and to respond appropriately and expeditiously to his urgent appeals and to give serious consideration to his requests to visit their countries, and welcomes in this regard the standing invitations extended by some Member States to all special procedures, including the Special Rapporteur;

29. *Requests* all relevant mechanisms to cooperate with the Special Rapporteur;

30. *Requests* the Secretary-General to give the Special Rapporteur all the human and financial assistance necessary for the fulfilment of his mandate;

²⁰ See resolution 55/93.

²¹ See A/60/357.

31. *Takes note* of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families at its second session,²² and requests the Secretary-General to arrange, within existing resources, two sessions for the Committee in 2006, in spring and autumn, respectively, each of a duration of one week;

32. *Takes note* of the report of the Secretary-General on the protection of migrants,²³ and calls upon Member States and all relevant stakeholders to consider the implementation of the recommendations contained therein;

33. *Decides* to examine the question further at its sixty-first session under the same agenda item.

²² *Official Records of the General Assembly, Sixtieth Session, Supplement No. 48 (A/60/48)*.

²³ A/60/272.



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Agenda items 124 and 71 (b)

Proposed programme budget for the biennium 2006-2007

**Human rights questions: human rights questions, including
alternative approaches for improving the effective enjoyment
of human rights and fundamental freedoms**

Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities

**Programme budget implications of draft resolution
A/C.3/60/L.28**

**Statement submitted by the Secretary-General in accordance
with rule 153 of the rules of procedure of the
General Assembly**

1. Under the terms of operative paragraphs 4, 5, 6, 8 and 11 of draft resolution A/C.3/60/L.28, the General Assembly would:

(a) Decide that the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities shall hold, within existing resources, prior to the sixty-first session of the General Assembly, two sessions in 2006, one of 15 working days from 16 January to 3 February, in order to achieve a complete reading of the draft text of a convention prepared by the Chairman of the Committee, and one of 10 working days from 7 to 18 August;

(b) Underline the importance of further strengthening the cooperation and coordination between the Office of the United Nations High Commissioner for Human Rights and the Department of Economic and Social Affairs of the Secretariat in order to provide technical support to the work of the Committee, and invite them to provide, in advance of the meetings of the Committee, background documentation to assist Member States and observers in the negotiation of a draft convention, and to organize, in close connection and timing with the meetings and



venue of the Committee, meetings of experts and seminars in relation to the draft convention, within existing resources;

(c) Request the Secretary-General to continue to provide the Committee with the facilities necessary for the performance of its work, and in this context invite the Secretary-General to reallocate resources to the United Nations Programme on Disability so as to provide support to the negotiations on a draft convention;

(d) Request the Secretary-General to explore and implement innovative measures, within existing resources and in consultation with organizations of persons with disabilities and the Bureau of the Committee, for the provision of selected documents of the Committee in formats accessible to participants with visual and hearing disabilities;

(e) Request the Secretary-General to disseminate widely to non-governmental organizations all available information on accreditation procedures, modalities and supportive measures for their participation in the work of the Committee, as well as the criteria for the financial assistance that is available through the voluntary fund.

2. In accordance with operative paragraph 4 of the draft resolution, the Committee would hold its seventh session for 15 working days in New York from 16 January to 3 February 2006 and its eighth session for 10 working days from 7 to 18 August 2006. Two meetings per day would be held for each session, one in the morning and one in the afternoon, with interpretation services in all six languages. Documentation requirements for the seventh session are estimated at 70 pages of pre-session, three pages of in-session and 71 pages of post-session documentation, and for the eighth session are estimated at two pages of pre-session, 50 pages of in-session and 100 pages of post-session documentation, to be issued in all six languages.

3. Servicing of the Committee has been included in the draft calendar of conferences and meetings of the United Nations for 2006, under the heading "Bodies whose mandates are to be presented for renewal to the General Assembly at its sixtieth session" (see A/60/32, annex), which is before the Assembly for its approval. The proposed two sessions for 2006 would comprise 50 meetings, consisting of 10 meetings more than the Committee held in 2005. The total number of pages of documentation for the seventh and eighth sessions is estimated at 300 pages, which is 250 pages less than the total documentation requirements in 2005.

4. The 15 working days for the seventh session called for in the draft resolution would require adding one week to the two weeks included in the draft calendar of conferences and meetings of the United Nations for 2006. Therefore, should the draft resolution be adopted, on the assumption that the mandate of the Committee would be renewed by the General Assembly at its sixtieth session, the conference-servicing costs for an additional week of meetings of the seventh session of the Committee are estimated at \$118,400.

5. In connection with the phrases "within existing resources" and "reallocate resources", as referenced in paragraph 1 (b), (c) and (d) above, the attention of the Committee is drawn to the provision of part B, section VI of General Assembly resolution 45/248, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with

responsibilities for administrative and budgetary matters, and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

6. Provision has been made in the proposed programme budget for the biennium 2006-2007 for substantive servicing of the Ad Hoc Committee. It is expected that additional daily subsistence allowance in the amount of \$29,000 would arise to provide for the attendance of 15 participants at the Committee meeting in New York, which will be funded through voluntary contributions. With regard to the organization of meetings of experts and seminars in relation to the draft convention, it is also anticipated that the associated costs that would arise will be funded through voluntary contributions.

7. It will be recalled that, under the procedures established by the General Assembly in its resolutions 41/213 and 42/211, a contingency fund has been established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the programme budget. Under this procedure, if additional expenditures were proposed that exceed the resources available from the contingency fund, the activities concerned would be implemented only through the redeployment of resources from low-priority areas or modification of existing activities. Otherwise, such additional activities would have to be deferred to a later biennium.

8. Additional provisions of \$118,400 (representing \$111,400 for section 2 and \$7,000 for section 29D) of the proposed programme budget would be required over and above the resources initially proposed for the biennium 2006-2007, for servicing of the additional week of meetings of the seventh session of the Committee. It is not possible at this stage to identify activities within sections 2 and 29D) of the proposed programme budget for the biennium 2006-2007 that could be terminated, deferred, curtailed or modified during the biennium to meet the total additional requirement of \$118,400. This would represent a charge against the contingency fund and, as such, would require appropriations for the biennium 2006-2007 to be approved by the General Assembly at its sixtieth session.

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Third Committee

Agenda item 70

Right of peoples to self-determination

Algeria, Azerbaijan, Bahrain, Bangladesh, Brunei Darussalam, Burkina Faso, Egypt, Eritrea, Iran (Islamic Republic of), Kuwait, Libyan Arab Jamahiriya, Malaysia, Niger, Oman, Pakistan, Qatar, Saudi Arabia, Somalia and United Arab Emirates: draft resolution

Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,¹ as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military

¹ Resolution 2200 A (XXI), annex.



intervention, aggression and occupation, adopted by the Commission on Human Rights at its sixty-first² and previous sessions,

Reaffirming its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 59/180 of 20 December 2004,

Reaffirming also its resolutions 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, and 60/1 of 16 September 2005, containing the 2005 World Summit Outcome, which, inter alia, uphold the right to self-determination of peoples under colonial domination and foreign occupation,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,³

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. *Requests* the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on the question to the General Assembly at its sixty-first session under the item entitled "Right of peoples to self-determination".

² See *Official Records of the Economic and Social Council, 2005, Supplement No. 3 (E/2005/23)*, chap. II, sect. A.

³ A/60/268.

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Third Committee

Agenda item 69 (a)

**Elimination of racism and racial discrimination:
elimination of racism and racial discrimination**

Belarus, Cuba and Russian Federation: draft resolution

**Inadmissibility of certain practices that contribute to fuelling
contemporary forms of racism, racial discrimination, xenophobia
and related intolerance**

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,¹ the International Covenant on Civil and Political Rights,² the International Convention on the Elimination of All Forms of Racial Discrimination³ and other relevant human rights instruments,

Recalling the provisions of Commission on Human Rights resolutions 2004/16 of 16 April 2004⁴ and 2005/5 of 14 April 2005,⁵

Recalling also the Charter of the Nuremberg Tribunal and the Judgement of the Tribunal, which recognized the Waffen SS organization and all its integral parts as criminal and declared it responsible for many war crimes and crimes against humanity,

Recalling further the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,⁶ in particular paragraph 2 of the Declaration and paragraph 86 of the Programme of Action,

¹ Resolution 217 A (III).

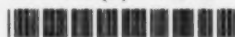
² See resolution 2200 A (XXI), annex.

³ Resolution 2106 A (XX), annex.

⁴ *Official Records of the Economic and Social Council, 2004, Supplement No. 3 (E/2004/23), chap. I, sect. A.*

⁵ *Ibid.*, 2005, *Supplement No. 3 (E/2005/23), chap. I, sect. A.*

⁶ See A/CONF.189/12 and Corr.1, chap. I.



Recalling equally the study undertaken by the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,⁷ and taking note of his report,

Alarmed, in this regard, at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups,

1. *Reaffirms* the provision of the Durban Declaration,⁶ in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist prejudice and stated that these phenomena could never be justified in any instance or in any circumstances;

2. *Expresses deep concern* over the glorification of the Nazi movement and former members of the Waffen SS organization, including by erecting monuments and memorials as well as holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism;

3. *Notes with concern* the increase in the number of racist incidents in several countries and the rise of skinhead groups, which have been responsible for many of these incidents, as observed by the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

4. *Reaffirms* that such acts may be qualified to fall within the scope of activities described in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination,³ and that they represent a clear and manifest abuse of the rights to freedom of peaceful assembly and of association, as well as the rights to freedom of opinion and expression within the meaning of these rights as guaranteed by the Universal Declaration of Human Rights,¹ the International Covenant on Civil and Political Rights² and the International Convention on the Elimination of All Forms of Racial Discrimination;

5. *Stresses* that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization, and poison the minds of young people, in particular in the year of the sixtieth anniversary of victory in the Second World War and the liberation of Auschwitz and other concentration camps, and that these practices are incompatible with the obligations of States Members of the United Nations under its Charter and are incompatible with the goals and principles of the Organization;

6. *Also stresses* that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups;

7. *Emphasizes* the need to take the necessary measures to put an end to the practices described above, and calls upon States to take more effective measures to combat these phenomena and the extremist movements, which pose a real threat to democratic values;

⁷ E/CN.4/2005/18 and Add.1-6.

8. *Reaffirms* that according to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination States parties to this instrument are, inter alia, under the obligation:

(a) To condemn all propaganda and all organizations that are based on ideas of racial superiority or that attempt to justify or promote racial hatred and discrimination in any form;

(b) To undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention;

(c) To declare as an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(d) To declare illegal and prohibit organizations, and also organized and all other propaganda activities, that promote and incite racial discrimination, and to recognize participation in such organizations or activities as an offence punishable by law;

(e) To prohibit public authorities or public institutions, national or local, from promoting or inciting racial discrimination;

9. *Recalls* the request of the Commission on Human Rights in its resolution 2005/5 that the Special Rapporteur continue to reflect on this issue and make relevant recommendations in his report to the Commission at its sixty-second session, and seek and take into account in this regard the views of Governments and non-governmental organizations;

10. *Invites* Governments and non-governmental organizations to cooperate fully with the Special Rapporteur in the exercise of the aforementioned task;

11. *Decides* to remain seized of the issue.



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Agenda item 39

Report of the United Nations High Commissioner for Refugees,
questions relating to refugees, returnees and displaced persons
and humanitarian questions

Jordan and Portugal: draft resolution

Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

The General Assembly,

Taking note of Economic and Social Council decisions 2005/243 of 22 July 2005 and 2005/314 of 21 October 2005 concerning the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Taking note also of the requests regarding the enlargement of the Executive Committee contained in the letter dated 8 March 2005 from the Permanent Representative of Jordan to the United Nations addressed to the Secretary-General¹ and the letter dated 12 September 2005 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General;²

1. *Decides to increase the number of members of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees from sixty-eight to seventy States;*

2. *Requests the Economic and Social Council to elect the additional members at its resumed organizational session for 2006.*

¹ E/2005/46.

² E/2005/93.



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Agenda item 70

Right of peoples to self-determination

Algeria, Bahrain, Belize, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Malaysia, Mali, Mauritania, Morocco, Oman, Pakistan, Qatar, Senegal, Sudan, United Arab Emirates, Yemen and Palestine:^a draft resolution

The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling in this regard its resolution 2625 (XXV) of 24 October 1970, entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Bearing in mind the International Covenants on Human Rights,¹ the Universal Declaration of Human Rights,² the Declaration on the Granting of Independence to Colonial Countries and Peoples³ and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,⁴

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,⁵

Recalling also the United Nations Millennium Declaration,⁶

Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a*

^a In accordance with resolution 52/250.

¹ Resolution 2200 A (XXI), annex.

² Resolution 217 A (III).

³ Resolution 1514 (XV).

⁴ A/CONF.157/24 (Part I), chap. III.

⁵ See resolution 50/6.

⁶ See resolution 55/2.



Wall in the Occupied Palestinian Territory,⁷ and noting in particular the reply of the Court, including on the right of peoples to self-determination, which is a right *erga omnes*,⁸

Recalling the conclusion of the Court, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,

Expressing the urgent need for the resumption of negotiations within the Middle East peace process on its agreed basis and for the speedy achievement of a final settlement between the Palestinian and Israeli sides,

Recalling its resolution 59/179 of 20 December 2004,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

⁷ See A/ES-10/273 and Corr.1.

⁸ *Ibid.*, advisory opinion, para. 88.

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Third Committee

Agenda item 69

Elimination of racism and racial discrimination

Jamaica:^{*} draft resolution

Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 59/177 of 20 December 2004, in which it firmly consolidated the global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance and recognized the absolute necessity and the imperative nature of the political will for the achievement of the commitments undertaken in the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,¹

Recalling also its resolution 58/160 of 22 December 2003, in which it decided to place emphasis on the concrete implementation of the Durban Declaration and Programme of Action as a solid foundation for a broad-based consensus for further actions and initiatives towards the total elimination of the scourge of racism,

Recalling further its resolutions 57/195 of 18 December 2002, in which it outlined the important roles and responsibilities of the various organs of the United Nations and other stakeholders at the international, regional and national levels, including, in particular, the Commission on Human Rights, and 56/266 of 27 March 2002, in which it endorsed the Durban Declaration and Programme of Action as constituting a solid foundation for further action and initiatives towards the total elimination of the scourge of racism,

^{*} On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

¹ See A/CONF.189/12 and Corr.1, chap. I.



Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Taking note of Commission on Human Rights resolutions 2002/68 of 25 April 2002,² 2003/30 of 23 April 2003,³ 2004/88 of 22 April 2004⁴ and 2005/64 of 20 April 2005,⁵ by which the international community put into effect mechanisms for the effective implementation of the Durban Declaration and Programme of Action,

Underlining the primacy of political will, international cooperation and adequate funding at the national, regional and international levels for the successful implementation of the Durban Programme of Action,

Alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Welcoming the determination of the United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and her intention to make this a cross-cutting issue in the activities and programmes of her Office,

I

Basic general principles

1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments,

2. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form,

3. *Expresses deep concern* at recent attempts to establish hierarchies among emerging and resurgent forms of racism, racial discrimination, xenophobia and

² See *Official Records of the Economic and Social Council, 2002, Supplement No. 3 (E/2002/23)*, chap. II, sect. A.

³ *Ibid.*, 2003, *Supplement No. 3 (E/2003/23)*, chap. II, sect. A.

⁴ *Ibid.*, 2004, *Supplement No. 3 (E/2004/23)*, chap. II, sect. A.

⁵ *Ibid.*, 2005, *Supplement No. 3 (E/2005/23)*, chap. II, sect. A.

related intolerance, and urges States to adopt measures to address these scourges with the same emphasis and vigour, with a view to preventing this practice and protecting victims;

4. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

5. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

6. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

7. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

8. *Condemns* the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred, and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments that they have undertaken under the Durban Declaration and Programme of Action,¹ in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression;

9. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, peoples and countries;

10. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

II

International Convention on the Elimination of All Forms of Racial Discrimination

11. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination⁶ are of paramount importance for the promotion of equality and non-discrimination in the world;

⁶ Resolution 2106 A (XX), annex.

12. *Reiterates* the call made by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, in paragraph 75 of the Durban Programme of Action to achieve universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination by 2005 and for all States to consider making the declaration envisaged under article 14 of the Convention, and endorses the grave concern expressed by the Commission on Human Rights in its resolution 2005/64⁷ to the effect that, with one hundred and seventy ratifications and only forty-six declarations, the deadline for universal ratification decided by the Conference has regrettably not been realized;

13. *Urges* the Office of the United Nations High Commissioner for Human Rights, in the above context, to maintain and issue regular updates on its website of a list of countries that have not yet ratified the Convention and to encourage such countries to demonstrate their practical commitment to meet the deadline for universal ratification as decided upon by the World Conference;

14. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention, on the financing of the Committee on the Elimination of Racial Discrimination, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

15. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights⁸ and article 5 of the Convention;

16. *Notes* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

17. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;⁹

III

Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

18. *Acknowledges* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is on an equal footing with the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

19. *Acknowledges* that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components

⁷ Resolution 217 A (III).

⁸ See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 18* (A/57/18), chap. XI.

relating to contemporary forms of racism, namely, xenophobia and related intolerance;

20. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action;

21. *Also emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the achievement of the objectives of the Durban Declaration and Programme of Action;

22. *Welcomes* the elaboration of national action plans by those States which have done so and affirms this trend as a demonstration of commitment for the elimination of all the scourges of racism at the national level, and calls upon those States which have not yet done so to comply with their commitments undertaken at the World Conference;

23. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

24. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

25. *Decides* that the General Assembly, through its role in policy formulation, the Economic and Social Council, through its role in overall guidance and coordination, in accordance with their respective roles under the Charter of the United Nations and Assembly resolution 50/227 of 24 May 1996, and the Commission on Human Rights shall constitute a three-tiered intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

26. *Stresses and reaffirms* its role as the highest intergovernmental mechanism for the formulation and appraisal of policy on matters related to the economic, social and related fields, in accordance with Chapter IX of the Charter, including in the comprehensive implementation of and follow-up to the goals and targets set at all the major United Nations conferences, summits and special sessions;

27. *Welcomes* the second meeting of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, held in Geneva from 21 to 23 February 2005, in particular its programme of work as requested by the General Assembly in its resolution 59/177, and the appeal of the experts to the Commission on Human Rights and the Assembly to adopt a plan for the five-year review of the implementation of the Durban Declaration and Plan of Action,⁹ and further welcomes regional initiatives under way in this regard;

⁹ See E/CN.4/2005/125 and Corr.1.

28. *Decides* that the Commission on Human Rights, as a functional commission of the Economic and Social Council, shall have a central role in the monitoring of the implementation of the Durban Declaration and Programme of Action within the United Nations system and in advising the Council thereon.

29. *Expresses its appreciation* for the continuing work of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and the Working Group of Experts on People of African Descent, and endorses the outcomes of their fourth and fifth sessions respectively and calls for their implementation by all stakeholders.

30. *Welcomes* the convening of the high-level seminar in January 2006 under the auspices of the Office of the United Nations High Commissioner for Human Rights focusing on the elaboration of standards complementary to the International Convention on the Elimination of All Forms of Racial Discrimination and on racism and the Internet, and encourages all States to participate in this seminar at the appropriate level.

31. *Requests* the Secretary-General to reflect the outcome of the high-level seminar in his report to the General Assembly at its sixty-first session on the follow-up to the World Conference;

32. *Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end emphasizes the central role to be played by the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action in mobilizing the necessary political will required for the successful implementation of the Declaration and Programme of Action;

33. *Requests* the Secretary-General to provide the necessary resources for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action;

34. *Expresses its concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some sporting governing bodies to combat racism, and in this regard, invites the Fédération internationale de football association, in connection with the World Cup to be held in Germany in 2006, and in particular in the interest of promoting a world of sport free from racism and racial discrimination, to consider introducing a visible theme on non-racism in football, and requests the Secretariat to bring this matter to the attention of the Fédération internationale de football association;

IV

Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

35. *Expresses its full support and appreciation* for the work of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism,

racial discrimination, xenophobia and related intolerance, and encourages its continuation;

36. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur;

37. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, communities of people of African descent, communities of people of Asian descent and other communities;

38. *Calls upon* States to cooperate with the Special Rapporteur and to give serious consideration to his requests to visit their countries so as to enable him to fulfil his mandate fully and effectively;

39. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

40. *Urges* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

41. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its sixty-first session;

42. *Endorses* the recommendations contained in the report of the Special Rapporteur,¹⁰ and encourages the continuation of his work, and calls for the implementation of those recommendations by all States and other relevant stakeholders;

43. *Urges* Member States to consider implementing the recommendations contained in the reports of the Special Rapporteur and invites other relevant stakeholders to implement those recommendations;

44. *Requests* the Secretary-General to give particular attention to the resurgence of racism, racial discrimination and xenophobia against national, ethnic, cultural and religious minorities, immigrant populations, asylum-seekers and refugees, largely through the erosion of their economic and social rights (housing, education, health) and the gradual loss of protection systems under the relevant international instruments;

45. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by very firmly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

46. *Reiterates* that international sports bodies such as the Fédération internationale de football association, on the occasion of the World Cup to be held

¹⁰ See A/60/283.

in Germany in 2006, should focus on the national dimension of the fight against racism by asking national federations to submit annual reports on racist incidents and action taken in response to them;

V

General

47. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-first session;

48. *Decides* to remain seized of this important matter at its sixty-first session under the item entitled "Elimination of racism and racial discrimination".



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Agenda item 39

**Report of the United Nations High Commissioner for
Refugees, questions relating to refugees, returnees and
displaced persons and humanitarian questions**

**Austria, Belgium, Canada, Croatia, Denmark, Greece, Japan, Luxembourg,
Nigeria,* Norway, Portugal, Sweden and United Kingdom of Great Britain
and Northern Ireland: draft resolution**

Assistance to refugees, returnees and displaced persons in Africa

The General Assembly,

Recalling its resolution 59/172 of 20 December 2004,

Recalling also the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969¹ and the African Charter on Human and Peoples' Rights,²

Reaffirming that the 1951 Convention relating to the Status of Refugees,³ together with the 1967 Protocol thereto,⁴ as complemented by the Organization of African Unity Convention of 1969, remains the foundation of the international refugee protection regime in Africa,

1. *Takes note of the reports of the Secretary General⁵ and the United Nations High Commissioner for Refugees;⁶*

2. *Notes the need for African States to address resolutely the root causes of all forms of forced displacement in Africa and to foster peace, stability and prosperity throughout the African continent so as to forestall refugee flows;*

* On behalf of the States Members of the United Nations that are members of the Group of African States.

¹ United Nations, *Treaty Series*, vol. 1001, No. 14691.

² *Ibid.*, vol. 1520, No. 26363.

³ *Ibid.*, vol. 189, No. 2545.

⁴ *Ibid.*, vol. 806, No. 8791.

⁵ A/60/290.

⁶ *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 12 (A/60/12).*



3. Notes with grave concern that, despite all of the efforts made so far by the United Nations, the African Union and others, the situation of refugees and displaced persons in Africa remains precarious, and calls upon States and other parties to armed conflict to observe scrupulously the letter and the spirit of international humanitarian law, bearing in mind that armed conflict is one of the principal causes of forced displacement in Africa;

4. Welcomes decision EX/CL/Doc.107 (VII) on the situation of refugees, returnees and displaced persons in Africa adopted by the Executive Council of the African Union at its seventh ordinary session, held at Addis Ababa, Ethiopia, from 29 June to 2 July 2005;

5. Expresses its appreciation for the leadership shown by the Office of the United Nations High Commissioner for Refugees, and commends the Office of the High Commissioner for its ongoing efforts, with the support of the international community, to assist African countries of asylum and to respond to the protection and assistance needs of refugees, returnees and displaced persons in Africa;

6. Recognizes that, among refugees, returnees and internally displaced persons, women and children are the majority of the population affected by conflict and face the brunt of atrocities and other consequences of conflict, and calls upon States to promote and protect the human rights of all refugees and other persons of concern, paying special attention to those with specific needs, and to take their protection responses appropriately;

7. Acknowledges the importance of the full and effective implementation of standards and procedures, including monitoring and reporting mechanisms as outlined in Security Council resolution 1612 (2005) of 26 July 2005, in better address the specific protection needs of refugees, children and adolescents and to safeguard rights and, in particular, to ensure adequate attention to unaccompanied and separated children and children affected by armed conflict, including former child soldiers in refugee settings, as well as to the context of voluntary repatriation and reintegration measures;

8. Recognizes the importance of early repatriation and effective repatriation options and measures as a tool of protection and as a means to enable the rehabilitation and reinsertion of people in the provision and distribution of humanitarian assistance and to implement appropriate durable solutions;

9. Stresses the importance of repatriation of refugees and asylum-seekers adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its 55th annual session,¹ notes the many forms of harassment faced by refugees and asylum-seekers who decide without any form of documentation returning to their native lands, recalls the responsibility of States to register refugees in their territories, reiterates in this context the central role which early and effective repatriation and documentation can play, guided by protection considerations, in enhancing protection and supporting efforts to find durable solutions, and calls upon the Office of the United Nations High Commissioner for Refugees, as appropriate, to help States conduct this procedure should States be unable to register refugees in their territory;

¹ E/CN.4/Sub.2/2005/12.

² Doc. 107, 108 and 109, adopted by the Council of the African Union at its seventh ordinary session, held at Addis Ababa, Ethiopia, from 29 June to 2 July 2005.

10. Calls upon the international community, including States and the Office of the High Commissioner and other relevant United Nations organizations, within their respective mandates, to take concrete action to meet the protection and assistance needs of refugees, returnees and displaced persons and to contribute generously to projects and programmes aimed at alleviating their plight and facilitating durable solutions for refugees and displaced persons.

11. Reaffirms the importance of timely and adequate assistance and protection for refugees, also reaffirms that assistance and protection are mutually reinforcing and that inadequate material assistance and food shortages undermine protection, notes the importance of a rights- and community-based approach in engaging constructively with individual refugees and their communities to achieve fair and equitable access to food and other forms of material assistance, and expresses concern in regard to situations where minimum standards of assistance are not met, including situations where adequate needs assessments have yet to be undertaken.

12. Also reaffirms that respect by States for their protection responsibilities towards refugees is strengthened by international solidarity involving all members of the international community and that the refugee protection regime is enhanced through committed international cooperation in a spirit of solidarity and burden- and responsibility-sharing among all States.

13. Further reaffirms that host States have the primary responsibility to ensure the civilian and humanitarian character of asylum, and calls upon States, in cooperation with international organizations, within their mandates, to take all necessary measures to ensure respect for the principles of refugee protection and, in particular, to ensure that the civilian and humanitarian nature of refugee camps is not compromised by the presence or the activities of armed elements or used for purposes that are incompatible with their civilian character.

14. Condemns all acts that pose a threat to the personal security and well-being of refugees and asylum-seekers, such as refoulement, unlawful expulsion and physical attacks, calls upon States of refuge, in cooperation with international organizations, where appropriate, to take all necessary measures to ensure respect for the principles of refugee protection, including the humane treatment of asylum-seekers, notes with interest that the United Nations High Commissioner for Refugees has continued to take steps to encourage the development of measures to better ensure the civilian and humanitarian character of asylum, and encourages the High Commissioner to continue these efforts in consultation with States and other relevant actors.

15. Deplores the continuing violence and insecurity which constitute an ongoing threat to the safety and security of staff members of the Office of the High Commissioner and other humanitarian organizations and an obstacle to the effective fulfilment of the mandate of the Office of the High Commissioner and the ability of its implementing partners and other humanitarian personnel to discharge their respective humanitarian functions, urges States, parties to conflict and all other relevant actors to take all necessary measures to protect activities related to humanitarian assistance, prevent attacks on and kidnapping of national and international humanitarian workers and ensure the safety and security of the personnel and property of the Office of the High Commissioner and that of all humanitarian organizations discharging functions mandated by the Office of the

High Commissioner, and calls upon States to investigate fully any crime committed against humanitarian personnel and bring to justice the persons responsible for such crimes;

16. *Calls upon* the Office of the High Commissioner, the African Union, subregional organizations and all African States, in conjunction with agencies of the United Nations system, intergovernmental and non governmental organizations and the international community, to strengthen and revitalize existing partnerships and forge new ones in support of the international refugee protection system, notes with interest the result of the Humanitarian Response Review and welcomes the proposals made by the Secretary-General and the General Assembly to strengthen the United Nations humanitarian system, and takes note of deliberations by the Inter-Agency Standing Committee aimed at following up on the Humanitarian Response Review and bringing about greater consistency in the response to humanitarian emergencies;

17. *Calls upon* the Office of the High Commissioner, the international community and other concerned entities to intensify their support to African Governments through appropriate capacity-building activities, including training of relevant officers, disseminating information about refugee instruments and principles, providing financial, technical and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees, strengthening emergency response and enhancing capacities for the coordination of humanitarian activities;

18. *Reaffirms* the right of return and the principle of voluntary repatriation, appeals to countries of origin and countries of asylum to create conditions that are conducive to voluntary repatriation, recognizes that, while voluntary repatriation remains the pre-eminent solution, local integration and third-country resettlement, where appropriate and feasible, are also viable options for dealing with the situation of African refugees who, owing to prevailing circumstances in their respective countries of origin, are unable to return home, and welcomes in this regard the conclusion on local integration adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its fifty-sixth session;⁸

19. *Reaffirms* that voluntary repatriation should not necessarily be conditioned on the accomplishment of political solutions in the country of origin in order not to impede the exercise of the refugees' right to return, and recognizes that the voluntary repatriation and reintegration process is normally guided by the conditions in the country of origin, in particular that voluntary repatriation can be accomplished in conditions of safety and dignity;

20. *Welcomes* the development by the High Commissioner, in cooperation with other United Nations agencies and development actors, of the framework for durable solutions, aimed at promoting lasting solutions, particularly in protracted refugee situations, including the "4Rs" approach (repatriation, reintegration, rehabilitation and reconstruction) to sustainable return;

21. *Calls upon* the international donor community to provide financial and material assistance that allows for the implementation of community-based

⁸ Ibid., Sixtieth Session, Supplement No. 12A (A/60/12/Add.1), chap. III, sect. C.

development programmes that benefit both refugees and host communities, as appropriate, in agreement with host countries and consistent with humanitarian objectives, and recognizes that promoting the self-reliance of refugees from the outset will contribute towards enhancing the ability of refugee communities to become self-reliant, as and when appropriate, with adequate support from the international community for the host country and the refugees living there.

22. *Appeals* to the international community to respond positively, in the spirit of solidarity and burden- and responsibility-sharing, to the third-country resettlement needs of African refugees, and in this regard notes the importance of using resettlement strategically, as part of situation-specific comprehensive responses to refugee situations, and to this end encourages interested States, the Office of the High Commissioner and other relevant partners to make full use of the Multilateral Framework of Understandings on Resettlement where appropriate.⁹

23. *Calls upon* the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure affected by refugees in countries of asylum.

24. *Urges* the international community, in the spirit of international solidarity and burden-sharing, to continue to fund generously the refugee programmes of the Office of the High Commissioner and, taking into account the substantially increased needs of programmes in Africa, including as a result of repatriation possibilities, to ensure that Africa receives a fair and equitable share of the resources designated for refugees;

25. *Encourages* the Office of the United Nations High Commissioner for Refugees and interested States to identify protracted refugee situations which might lend themselves to resolution through the development of specific, multilateral, comprehensive and practical approaches to resolving such refugee situations, including improving international burden- and responsibility-sharing and realizing durable solutions, within a multilateral context.

26. *Expresses grave concern* about the plight of internally displaced persons in Africa, calls upon States to take concrete action to pre-empt internal displacement and to meet the protection and assistance needs of internally displaced persons, recalls in that regard the Guiding Principles on Internal Displacement,¹⁰ and encourages the Office of the High Commissioner to continue to explore, with other relevant actors, the feasibility of taking on coordination responsibilities for clusters related to protection of internally displaced persons, camp management and shelter in conflict situations as part of a broader United Nations coordination effort in support of United Nations humanitarian coordinators, without prejudice to its core mandate for refugee protection and assistance;

27. *Invites* the Representative of the Secretary General on the human rights of internally displaced persons to continue his ongoing dialogue with Member States and the intergovernmental and non-governmental organizations concerned, in accordance with his mandate, and to include information thereon in his reports to the Commission on Human Rights and the General Assembly.

⁹ Ibid. *Fifty-ninth Session, Supplement No. 12 (A/59/12)*, chap. III, para. 23.

¹⁰ E/CN.4/1998/53/Add.2, annex.

28. *Requests* the Secretary General to submit a comprehensive report on assistance to refugees, returnees and displaced persons in Africa to the General Assembly at its sixty-first session, taking fully into account the efforts expended by countries of asylum, under the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions", and to present an oral report to the Economic and Social Council at its substantive session of 2006.



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**Report of the United Nations High Commissioner for Refugees,
questions relating to refugees, returnees and displaced persons
and humanitarian questions**

Afghanistan, Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belize, Bolivia, Bosnia and Herzegovina, Canada, Chile, Costa Rica, Congo, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Honduras, Iceland, Ireland, Israel, Japan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Mexico, Monaco, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Panama, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Samoa, Serbia and Montenegro, Slovenia, Sudan, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office¹ and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-sixth session² and the conclusions and decisions contained therein,

Recalling its previous annual resolutions on the work of the Office of the United Nations High Commissioner for Refugees since its establishment by the General Assembly,

¹ Official Records of the General Assembly, Sixtieth Session, Supplement No. 12 (A/60/12).

² Ibid., Supplement No. 12A (A/60/12/Add 1).



Expressing its appreciation for the leadership shown by the High Commissioner, commending the staff and implementing partners of the Office of the High Commissioner for the competent, courageous and dedicated manner in which they discharge their responsibilities, and underscoring its strong condemnation of all forms of violence to which humanitarian personnel and United Nations and associated personnel are increasingly exposed.

1. *Endorses the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-sixth session;*²

2. *Welcomes the important work undertaken by the Office of the United Nations High Commissioner for Refugees and its Executive Committee in the course of the year, and notes in this context the adoption of the general conclusion on international protection, the conclusion on the provision of international protection, including through complementary forms of protection, and the conclusion on local integration,³ which are aimed at strengthening the international protection regime, consistent with the Agenda for Protection⁴ and at assisting Governments in meeting their protection responsibilities in today's changing international environment;*

3. *Reaffirms the 1951 Convention relating to the Status of Refugees⁵ and its 1967 Protocol⁶ as the foundation of the international refugee protection regime, recognizes the importance of their full and effective application by States parties and the values they embody, notes with satisfaction that one hundred and forty-six States are now parties to one instrument or to both, encourages States not parties to consider acceding to those instruments, underlines, in particular, the importance of full respect for the principle of non-refoulement, and recognizes that a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees;*

4. *Notes that fifty-eight States are now parties to the 1954 Convention relating to the Status of Stateless Persons⁷ and that thirty States are parties to the 1961 Convention on the Reduction of Statelessness⁸ and encourages the High Commissioner to continue his activities on behalf of stateless persons;*

5. *Notes with interest the Mexican Plan of Action to Strengthen International Protection of Refugees in Latin America⁹ endorsed by States participating in the commemoration of the twentieth anniversary of the Cartagena Declaration on Refugees¹⁰ convened in Mexico City in November 2004, and supports efforts by interested States and the Office of the High Commissioner to promote its implementation, with the cooperation and assistance of the international community, so as to strengthen refugee protection in Latin America and to mount timely and effective responses to situations of forced displacement.*

² Ibid., chap. III, sect. A.C.

³ Ibid., Fifty-seventh Session, Supplement No. 1/24 (A/57/L.2) para. 1, annex IV.

⁴ United Nations, *Treaty Series*, vol. 138, No. 2545.

⁵ Ibid., vol. 960, No. 8791.

⁶ Ibid., vol. 1061, No. 5153.

⁷ Ibid., vol. 909, No. 14416.

⁸ Available from <http://www.unhcr.org>.

⁹ *International Journal of Refugee Law*, vol. 5, No. 1 (April 1994).

6. *Welcomes* the successful conclusion of the process entitled "Follow-up to the 1996 Geneva Conference on the Problems of Refugees, Displaced Persons, Migration and Asylum Issues" in the countries of the Commonwealth of Independent States, and encourages States, the Office of the High Commissioner and other relevant actors to continue to work collaboratively, building on the successes of the Conference process to date;

7. *Re-emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions;

8. *Urges* all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, in a spirit of international solidarity and burden- and responsibility-sharing, to cooperate and to mobilize resources with a view to enhancing the capacity of, and reducing the heavy burden borne by, countries that have received large numbers of refugees and asylum-seekers, and calls upon the Office to continue to play its catalytic role in mobilizing assistance from the international community to address the root causes as well as the economic, environmental and social impact of large-scale refugee populations in developing countries, in particular least developed countries, and countries with economies in transition;

9. *Urges* all States and international organizations and institutions, with the support of the international community, to enhance and to become more effective in their efforts to address the root causes of forced displacement, and recognizes the catalytic role of the Office of the High Commissioner in this regard;

10. *Emphasizes* that international protection of refugees is a dynamic and action-oriented function that is at the core of the mandate of the Office of the High Commissioner and that includes, in cooperation with States and other partners, the promotion and facilitation of, inter alia, the admission, reception and treatment of refugees in accordance with internationally agreed standards and the ensuring of durable, protection-oriented solutions, bearing in mind the particular needs of vulnerable groups and paying special attention to those with specific needs, and notes in this context that the delivery of international protection is a staff-intensive service that requires adequate staff with the appropriate expertise, especially at the field level;

11. *Notes* the activities in pursuit of the objectives of the Convention Plus initiative,¹¹ and encourages the United Nations High Commissioner for Refugees and interested States to strengthen the international protection regime through the development of specific, multilateral, comprehensive and practical approaches to resolving refugee situations, including improving international burden- and responsibility-sharing and realizing durable solutions within a multilateral context;

12. *Welcomes* the progress that has been achieved in increasing the number of refugees resettled and the number of States offering opportunities for resettlement, notes that the Multilateral Framework of Understandings on Resettlement¹² sets out the strategic use of resettlement as part of a comprehensive

¹¹ *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 12 (A/59/12)*, chap. III, para. 25.

¹² Available from <http://www.unhcr.org>.

approach to refugee situations aimed at improving access to durable solutions for a greater number of refugees, and invites interested States, the Office of the High Commissioner and other relevant partners to make use of the Framework, where appropriate and feasible.

13. *Recalls* the important role of effective partnerships and coordination in meeting the needs of refugees and other displaced persons and in finding durable solutions to their situations, welcomes the efforts under way, in cooperation with refugee-hosting countries and countries of origin, including their respective local communities, United Nations agencies and other development actors, to promote a framework for durable solutions, particularly in protracted refugee situations, including the "4Rs" approach (repatriation, reintegration, rehabilitation and reconstruction) to sustainable return, and encourages States, in cooperation with United Nations agencies and other development actors, to support, inter alia, through the allocation of funds, the development and implementation of the 4Rs and other programming tools to facilitate the transition from relief to development.

14. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the High Commissioner of providing international protection to refugees and seeking permanent solutions to refugee problems, and recalls that these solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, while reaffirming that voluntary repatriation, supported by necessary rehabilitation and development assistance to facilitate sustainable reintegration, remains the preferred solution.

15. *Acknowledges* that the provision by States of complementary forms of protection to ensure that persons in need of international protection actually receive it is a positive way of responding pragmatically to certain situations, and affirms that measures to provide complementary forms of protection should be implemented in a manner that strengthens the existing international refugee protection regime.

16. *Notes* that local integration in the refugee context is a sovereign decision and an option to be exercised by States guided by their treaty obligations and human rights principles and that it is a dynamic and multifaceted two-way process requiring efforts by all parties concerned, including a preparedness on the part of refugees to adapt to the host society without having to forego their own cultural identity and a corresponding readiness on the part of host communities and public institutions to welcome refugees and to meet the needs of a diverse population, and acknowledges that the process of local integration is complex and gradual, comprising three distinct but interrelated legal, economic and social and cultural dimensions, all of which are important to the ability of refugees to integrate successfully.

17. *Acknowledges* that the global refugee situation represents an international challenge requiring that international burden- and responsibility-sharing be addressed effectively, and recognizes that allowing for local integration, where applicable, is an act of States that is a durable solution for refugees, which contributes to said burden- and responsibility-sharing, without prejudice to the specific situation of certain developing countries facing mass influxes.

18. *Emphasizes* the obligation of all States to accept the return of their nationals, calls upon States to facilitate the return of their nationals who have been determined not to be in need of international protection, and affirms the need for the

return of persons to be undertaken in a safe and humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned.

19. Condemns all acts that pose a threat to the personal security and well-being of refugees and asylum-seekers, such as refoulement, unlawful expulsion and physical attacks, and calls upon all States of refuge, in cooperation with international organizations where appropriate, to take all necessary measures to ensure respect for the principles of refugee protection, including the humane treatment of asylum-seekers.

20. Affirms the importance of mainstreaming the protection needs of women and children to ensure their participation in the planning and implementation of programmes of the Office of the High Commissioner and State policies and the importance of according priority to addressing the problem of sexual and gender-based violence.

21. Encourages the Office of the High Commissioner to continue to improve its management systems and to ensure effective and transparent use of its resources, recognizes that adequate and timely resources are essential for the Office to continue to fulfil the mandate conferred upon it through its statute¹⁷ and by subsequent General Assembly resolutions concerning refugees and other persons of concern, recalls its resolutions 58/153, 58/270 of 23 December 2003 and 59/176 of 20 December 2004, concerning the implementation of paragraph 26 of the Office's statute, and urges Governments and other donors to respond promptly to annual and supplementary appeals issued by the Office for requirements under its programmes.

22. Requests the High Commissioner to report on his activities to the General Assembly at its sixty-first session.

¹⁷ Resolution 428 (v), annex.



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Agenda items 67 and 124

Promotion and protection of the rights of children

Proposed programme budget for the biennium 2006-2007

Rights of the child

Programme budget implications of draft resolution A/C.3/60/L.22

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

I. Requests contained in the draft resolution

1. By operative paragraphs 31 and 39 (b) of draft resolution A/C.3/60/L.22, the General Assembly would:

(a) Recommend that the Secretary-General extend the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict for a further period of three years;

(b) Request the Special Representative to continue to submit reports to the General Assembly and the Commission on Human Rights.

II. Background

2. In its resolution 51/77 of 12 December 1996, the General Assembly recommended that the Secretary-General appoint for a period of three years a Special Representative on the impact of armed conflict on children. The Assembly also called upon States and institutions concerned to provide voluntary contributions in support of the work of the Special Representative. The Secretary-General appointed the Special Representative for Children and Armed Conflict in September 1997. The scope of responsibilities of the Special Representative was described in documents A/51/306 and Add.1.



3. On 6 January 1998, the Secretary-General established the Trust Fund for Children and Armed Conflict. As start-up contributions to the Trust Fund, the United Nations Children's Fund and the Office of the United Nations High Commissioner for Refugees provided \$100,000 and \$50,000, respectively. During the course of its initial three-year period, the Office of the Special Representative was financed by voluntary contributions.

4. In paragraph 17 of its resolution 51/77, the General Assembly requested the Special Representative to submit to the Assembly and the Commission on Human Rights an annual report containing relevant information on the situation of children affected by armed conflict, bearing in mind existing mandates and reports of relevant bodies. Since 1998, in a number of its resolutions, the Assembly has reiterated that request, while welcoming the continuing support for and voluntary contributions to the work of the Special Representative in the fulfilment of his mandate.

5. In its resolutions 54/140 of 17 December 1999 and 57/190 of 18 December 2002, the General Assembly recommended that the Secretary-General extend the mandate of the Special Representative for a further period of three years. In paragraph 1 of resolution 57/190, the Assembly also requested the Secretary-General to undertake a comprehensive assessment of the scope and effectiveness of the United Nations system response, including recommendations for strengthening, mainstreaming, integrating and sustaining those activities.

6. In its resolution 58/141 of 23 December 2003, the General Assembly decided that the activities under the mandate of the Special Representative would be supported through regular budget funding. Before the adoption of that resolution, the Fifth Committee had decided to inform the Assembly that, should it adopt the resolution, any appropriations necessary would be considered in the context of the report to be submitted by the Secretary-General pursuant to section V of Assembly resolution 57/190 (see A/58/652).

7. The report of the Secretary-General on the comprehensive assessment of the United Nations system response to children affected by armed conflict (A/59/311) was issued on 3 September 2004. In that report, the Secretary-General provided, inter alia, recommendations for strengthening the United Nations system response to children affected by armed conflict.

8. In paragraph 11 (c) of its resolution 59/361 of 23 December 2004, the General Assembly decided to request the Special Representative to continue to submit reports to the Assembly and the Commission on Human Rights and to ensure that they contained relevant, accurate and objective information on the situation of children affected by armed conflict, taking into account the views of Member States and the outcome document adopted by the Assembly at its special session on children and bearing in mind existing mandates and reports of relevant bodies.

9. Before adoption of resolution 59/261, the Fifth Committee decided to inform the General Assembly that, should it adopt the resolution, additional requirements totalling \$1,622,260 gross would arise under the programme budget for the biennium 2004-2005, representing a charge against the contingency fund (see A/59/642). Of that amount, \$920,000 gross (\$800,000 net) pertained to the provision for maintaining the operations of the Office of the Special Representative in 2005.

III. Activities by which the proposed requests would be implemented

10. The recommendation to extend the mandate of the Special Representative for a further period of three years and the continuation of reporting to the General Assembly and the Commission on Human Rights on the situation of children affected by armed conflict, requested in operative paragraphs 31 and 39 (b), respectively, of draft resolution A/C.3/60/L.22, would reflect the continuation of the mandate of the Special Representative, described in paragraphs 16 and 17 of General Assembly resolution 51/77. The extension and reporting requirement would require that necessary support be provided for effective performance of the mandate of the Office. In this regard, necessary resources should be identified in order to further maintain in 2006, 2007 and 2008 the Office of the Special Representative, which has been responsible, *inter alia*, for the preparation of the reports for the past several years.

IV. Administrative and financial arrangements and indication of additional requirements

11. The estimated requirements for the Office of the Special Representative in the biennium 2006-2007 would amount to \$3,499,900 gross (\$3,042,300 net). In accordance with the streamlined structure specified in the report of the Secretary-General on the comprehensive assessment (A/59/331), the Office would comprise, in addition to the post of the Special Representative (Under-Secretary-General), a staff of four Professionals, including a Senior Adviser (P-5), two Professional staff (P-4) responsible for day-to-day relations with United Nations entities and non-governmental organizations, as well as for assisting in the preparation of reports, one Professional staff member (P-3) responsible for outreach and public information, and three support staff (1 General Service (Principal level) and 2 General Service (Other level)). The cost of these eight temporary posts would amount to \$2,318,100, net of staff assessment. The Office of the Special Representative would also be provided with adequate resources to cover field visits and other cooperation and coordination trips, consultancies and other office operations, commensurate with the streamlined structure and functions. The table below provides information on the estimated resource requirements for post and non-post resources (*inter alia*, consultants and experts, operating expenses, travel, etc.).

Resource requirements for 2006-2007 (net)

	United States dollars
Post	2 318 100
Non-post	724 200
Total	3 042 300

12. With regard to the Trust Fund established to receive voluntary funds to support the activities of the Office, it is estimated that the balance of unearmarked funds as

at 31 December 2005 would amount to \$152,100. These unearmarked resources could be used to cover some of the operational requirements of the Office in the biennium 2006-2007.

13. Accordingly, in order to maintain the Office during the biennium 2006-2007, additional provision of \$2,890,200 (net) would need to be funded from the regular budget for the biennium 2006-2007. In addition, it is estimated that \$457,600 would be required for staff assessment, to be offset by the same amount under income from staff assessment.

14. The resource requirements for the operation of the Office in 2008 would be considered in the context of the proposed programme budget for the biennium 2008-2009.

V. Potential for absorption in the biennium 2006-2007

15. There are no resources provided under the proposed programme budget for the biennium 2006-2007 that could be made available for the support of the operations of the Office of the Special Representative in the biennium 2006-2007. Any amount that the General Assembly may decide to allocate to support the Office of the Special Representative would need, therefore, to be provided through an additional appropriation for the biennium 2006-2007 in the context of operations of the contingency fund.

VI. Contingency fund

16. It will be recalled that, under the procedures established by the General Assembly in its resolutions 41/213 of 19 December 1986 and 42/211 of 21 December 1987, a contingency fund is established for each biennium to accommodate additional expenditure derived from legislative mandates not provided for in the programme budget. Under this procedure, if additional expenditure were proposed that exceeded the resources available from the contingency fund, the activities concerned would be implemented only through the redeployment of resources from low-priority areas or the modification of existing activities. Otherwise, such additional activities would have to be deferred to a later biennium.

VII. Summary

17. Should the General Assembly adopt draft resolution A/C.3/60/L.22, additional resource requirements of \$3,347,800 gross (\$2,890,200 net), relating to the terms of operative paragraphs 31 and 39 (b) of the draft resolution, would arise under the proposed programme budget for the biennium 2006-2007. This would represent a charge against the contingency fund and, as such, would require an additional appropriations for the biennium 2006-2007.